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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,659	12/08/2000	Fumikazu Kanehara	016891/0830	1571

22428 7590 03/25/2004

FOLEY AND LARDNER  
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3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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MARCELO, MELVIN C

ART UNIT	PAPER NUMBER
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2663

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DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/731,659

**Applicant(s)**

KANEHARA, FUMIKAZU

**Examiner**

Melvin Marcelo

**Art Unit**

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 7-18 is/are allowed.
- 6) ☒ Claim(s) 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, lines 14-15, "said ARP processor" lacks a proper antecedent basis. It is not clear whether in lines 6-7, "an ARP processing" should be - -an ARP processor- - in order to provide proper basis.

Claim 5, line 33, "the predetermined observation interval" lacks a proper antecedent basis.

Claim 5, line 34, "the predetermined number of observed transmissions" lack a proper antecedent basis.

1 5. A packet processing apparatus provided with  
2 means for using asynchronous and isochronous communication  
3 channels to perform a processing of an IP packet, using an  
4 IEEE 1394 serial bus to perform multimedia data transfer,  
5 and  
6 referring to a routing table obtained by an ARP  
7 processing to transmit the IP packet to be transmitted to  
8 another communication node to a predetermined transfer  
9 destination, said packet processing apparatus comprising:  
10 an IEEE 1394 packet generator for determining,  
11 based on information stored in an address table, whether an  
12 isochronous packet or an asynchronous packet is to be  
13 generated, and generating an IEEE 1394 packet;  
14 units for performing the ARP processing by said  
15 ARP processor, and registering the obtained information as  
16 one entry in the routing table and the address table when

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17 the information of the IP packet to be transmitted is not  
18 registered in said address table;  
19 units for setting a flag every time the IP packet  
20 belonging to the entry is transmitted with respect to the  
21 entry registered in said address table for a data flow of  
22 each IP packet; and  
23 units for searching the address table at a  
24 predetermined time interval, including a packet flag  
25 indicating whether or not packet transmission is performed  
26 during searching of the address table and a count value  
27 indicating the number of continuously observed  
28 transmissions of the packet belonging to the data flow,  
29 establishing a connection-oriented communication  
30 channel with respect to the data flow when it is judged, in  
31 accordance with the information of said address table, that  
32 the transmission of the packet belonging to the data flow  
33 is performed in the predetermined observation interval and  
34 the predetermined number of observed transmissions are  
35 continuously performed, and  
36 using the established connection-oriented  
37 communication channel to encapsulate the IP packet in the  
38 corresponding connection-oriented IEEE 1394 packet and  
39 perform the transmission.

### **Allowable Subject Matter**


3. Claims 1-4 and 7-18 are allowed.
4. Claims 5-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or make obvious the particular apparatus and method for changing the connectionless communication channel of data flow over to connection-oriented data transfer when it is judged that the data flow is continuous for a predetermined time. The Van As et al. patent (US 5327428 A) describes changing from connectionless to connection-oriented data transfer and vice-versa based on whether isochronous data is present (column 5, lines 45-53).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 703-305-4373. The examiner can normally be reached on Monday-Friday, 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melvin Marcelo  
Primary Examiner  
Art Unit 2663

March 21, 2004